

**Date Posted: March 29, 2013**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**April 2, 2013**

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,  
RI 02914**

**Executive Session to Follow Public Meeting, Room 101**

**7:30 P.M. Open Session**

**I. CALL TO ORDER**

**II. SALUTE TO THE FLAG**

**III. TO APPROVE THE CONSENT CALENDAR**

**All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.**

**A. Letters**

**1. Coastal Resources Management Council Semi Monthly Meeting  
Tuesday, March 26, 2013 6PM Conference Room A, Administration  
Building, One Capitol Hill, Providence.**

**2. Newport Town Council Resolution requesting amendment to the  
Open Meetings Law allowing for members of advisory municipal  
boards and working groups to participate in meetings via video  
conferencing under certain circumstances no more than twice a year.**

**3. Foster Town Council Resolution opposing mandatory arbitration  
and contract continuation for teachers.**

**4. Middletown Town Council Resolutions, in opposition to  
mandatory binding arbitration or continuation of contracts for  
teachers, municipal employees, police or fire.**

**B. Council Journals**

- 1. Regular Meeting March 5, 2013**
- 2. Regular Meeting March 19, 2013**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

#### **IV. PUBLIC COMMENT**

#### **V. PROCLAMATIONS AND PRESENTATIONS**

**A. Commendation for East Providence Police Officer Ryan Vose in recognition for going above and beyond the call of duty (by Assistant Mayor Rose)**

**B. Presentation on the Odd Fellows Building by Ned Connors, Chair of the East Providence Historic District Commission**

**C. Plastic Pollution by Channing Jones, Program Associate  
Environment Rhode Island**

#### **VI. APPOINTMENTS**

**A. Traffic Control (by Councilman Cunha)**

**Lorrie Wilson, 695 N. Broadway (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**B. Traffic Control (by Councilman Cunha)**

**Tom Mozzarella, 182 Warren Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **VII. LICENSES REQUIRING PUBLIC HEARING**

### **A. Secondhand/Antiques**

**Garcia Enterprises DBA Secondhand Shop From Me To You, 497 Bullocks Point Avenue (02195), Carlos Garcia, 110 Rutherglen Street, Providence (02907)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

### **B. B-Limited Vict**

**Yama Fuji II, Inc. DBA Yama Fuji, 1080 Willett Avenue (02915), Ming Ling Yau, 94 Castle Rock Road (02886)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **VIII. LICENSES NOT REQUIRING PUBLIC HEARING**

### **A. Laundry/Drycleaner - Change of Location**

**TEW Inc. DBA Willet Avenue Laundromat 181 Willett Avenue (02915) to Bullocks Point Laundromat, (02915) to TWE Inc. DBA Bullocks Point Laundromat 257 Bullocks Point Avenue (02915)**

**Timothy Woodward, 202 New Meadow Road, Barrington (02806)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**B. Vict/Not Over 25**

**Yama Fuji II, Inc. DBA Yama Fuji, 1080 Willett Avenue (02915), Ming  
Ling Yau, 94 Castle Rock Road (02886)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**C. Vict/Not Over 25 - Transfer**

**Transfer from Martin F. Leyden DBA Sunshine Creamery to SB  
Winsors Creamery, LLC DBA Sunshine Creamery, 305 North  
Broadway (02916)**

**Allan Winsor, 58 Pinehill Avenue, Johnston (02919)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**D. Holiday Sales - Transfer**

**Transfer from Martin F. Leyden DBA Sunshine Creamery to SB  
Winsors Creamery, LLC DBA Sunshine Creamery, 305 North  
Broadway (02916)**

**Allan Winsor, 58 Pinehill Avenue, Johnston (02919)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**E. Vict/Not Over 25**

**Joan Monti DBA Sage Cafe, 181 Willett Avenue (02915), Joan Monti, 963 Caribou Way, The Villages, FL 32162**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**F. Vict/Not over 25**

**Mark Etheridge DBA Trendy's Pizzeria, 2777 Pawtucket Avenue (02914), Mark Etheridge, 23 Shore Drive, Barrington (02860)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**IX. NEW BUSINESS**

**A.City Managers Report (by City Manager Peter Graczykowski)**

- 1. Budget Commission Activity Update**
- 2. Departmental Activity Update**
- 3. Award of RFP for Real Estate Broker Services**
- 4. Google Money Update**
- 5. Municipal Road and Bridge Maintenance Revolving Fund**
- 6. Federal Disaster Declaration for Storm NEMO**
- 7. Amendment to existing easement for the construction of the Omega Pond fish ladder**

## **8. Johnson Controls Project**

### **B.Reports of Other City Officials**

#### **1. Claims Committee Report (by City Solicitor Timothy Chapman)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

### **C. Council Members**

**1. Welcoming Business to the City (by Councilwoman Capobianco)**

**2. Riverside Renaissance Committee (by Councilwoman Capobianco)**

**3. Relay for Life (by Councilwoman Capobianco)**

**4. Implementing Procedures and continuous YTD Budgetary Reporting and Certification Requirement (by Mayor Briden)**

**5. Kent Heights Park Clean-up (by Assistant Mayor Rose)**

**6. Police Cadets (by Assistant Mayor Rose)**

**7. City Street Lights (by Assistant Mayor Rose)**

**8. EP LED Update (by Councilman Cunha)**

### **D. Introduction of Ordinances**

**1. An ordinance pertaining to sponsor signs for the "Adopt an Island" Program.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 13 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "PUBLIC PLACES"**

**SECTION I. Sec. 13-1 entitled "Where signboards, structures prohibited" of Article I entitled "In General" of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Public Places" is amended to read as follows:**

**Sec. 13-1. No structure or signboard shall be constructed or used for outdoor advertising and no outdoor advertising shall be displayed or authorized in or on any property owned or controlled by the city and used for public purposes except for those structures or signboards authorized under the Adopt-an-Island Program.**

**SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.**

**Requested by: Assistant Mayor Rose**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**2. An ordinance amending firework sales under tents.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "LICENSES AND BUSINESS**



## **REGULATIONS”**

**SECTION I. Article II entitled “Miscellaneous Business and Occupational Licenses and Permits” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended by deleting therefrom the following:**

### **Sec. 8-40. Fireworks.**

**A. No person who has a license as a stationary or itinerant solicitor pursuant to Article VII and Article VIII of this chapter shall sell, carry or store fireworks outdoors or inside a temporary structure in the City of East Providence. Those certain fireworks and devices that are exempt from the definitions of display fireworks and aerial consumer fireworks and are permitted to be sold and stored in the State of Rhode Island pursuant to Chapter 11-13 of the General Laws of Rhode Island may be sold or stored by a person who has a license as a stationary or itinerant solicitor pursuant to Article VII and VIII of this chapter, but only inside a permanent structure approved by the Zoning Official and the Fire Marshal and in a manner approved by the Zoning Official and the Fire Marshal.**

**B. No person who has a permit for door-to-door solicitation pursuant to Article VII of this chapter shall sell fireworks in the City of East Providence.**

**SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.**

**Requested by: Assistant Mayor Rose**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **E. Resolutions**

### **1. A RESOLUTION IN SUPPORT OF SENATE BILL 2013–S0038 AND HOUSE BILL 2013–H5015 SUBSTITUTE A RELATING TO DOMESTIC RELATIONS – PERSONS ELIGIBLE TO MARRY**

**WHEREAS, the State of Rhode Island, founded as a beacon of religious tolerance and freedom, has long stood for fair and equal treatment and protection under the law for every citizen; and**

**WHEREAS, we believe that a just and democratic society guarantees to all its citizens certain civil rights set out in the United States Constitution, and civil marriage is one of these fundamental rights; and**

**WHEREAS, each and every adult in Rhode Island, regardless of socio-economic status, race, ethnicity, gender identity or sexual orientation deserves the opportunity to attain the legal protections, rights and responsibilities gained through civil marriage; and**

**WHEREAS, the City Council of the City of East Providence supports the passage of Marriage Equality legislation (H5015 and S0038).**

**NOW THEREFORE BE IT RESOLVED that City Council of the City of East Providence hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the**

**Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence.**

**Requested by: Councilwoman Rossi**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **2. RESOLUTION ESTABLISHING THE CITY OF EAST PROVIDENCE FIREWORKS COMMITTEE**

**WHEREAS, the City of East Providence celebrates the Independence of the United States at Pierce Field; and**

**WHEREAS, the City of East Providence proudly boasts a fireworks display that is not funded by the citizenry of the City of East Providence; and**

**WHEREAS, the City Council of the City of East Providence is desirous of inviting individuals and businesses to assist in soliciting funds to support the annual illumination display.**

**NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby establishes the East Providence Fireworks Committee consisting of five (5) members. Each member of the City Council shall appoint one qualified elector of the City of East Providence to the Committee to serve a term of office concurrent with that of the City Council. The Director of Planning, the Assistant Superintendent of Parks and the Director of Recreation or their**

**designees shall be ex-officio, non-voting members of the Committee. The Committee will advise and assist in securing funds for the fireworks in July at Pierce Field. The Committee will establish such rules, regulations and procedures as it may deem necessary to fulfill its mission and to report to the City Council the status of its activities at such times as the City Council and Committee may deem necessary and expedient.**

**Requested by: Councilwoman Rossi**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

### **3. RESOLUTION ESTABLISHING THE CITY OF EAST PROVIDENCE SOCCER ADVISORY COMMITTEE**

**WHEREAS, the City Council of the City of East Providence is desirous of providing adequate fields for its citizens to enjoy the sport of soccer; and**

**WHEREAS, the City Council of the City of East Providence is desirous of locating, creating and maintaining soccer fields to provide for the utmost use by the citizens of the City of East Providence; and**

**WHEREAS, the City of East Providence has many active, spirited and conscientious citizens who are willing and able to make East Providence a great place to live; and**

**WHEREAS, the City Council of the City of East Providence is athirst in summoning such citizens to assist in establishing the finest soccer fields in the area.**

**NOW, THEREFORE, BE IT RESOLVED that the City Council of the City**

of East Providence hereby establishes the Soccer Advisory Committee consisting of five (5) members. The members shall be chosen from City of East Providence based soccer organizations and shall be appointed by each City Council member to advise and assist in the designation, use and allocation of soccer fields throughout the City of East Providence and to advise and assist in locating, designating and assisting to secure funds for future soccer fields. The Director of Planning, the Assistant Superintendent of Parks and the Director of Recreation or their designees shall be ex-officio, non-voting members of the Committee. The Committee will establish such rules, regulations and procedures as it may deem necessary to fulfill its mission and to report to the City Council the status of its activities at such times as the City Council and Committee may deem necessary and expedient.

Requested by: Councilwoman Rossi

Motion\_\_\_By\_\_\_2nd\_\_\_

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

#### **F. Communications**

1. Izilda Teves, 345 Sutton Avenue (02914) requesting to address the Council regarding the Orlo Avenue Playground Committee ribbon cutting being held on May 15, 2013.

2. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding road conditions.

3. Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding updates.

## **X. EXECUTIVE SESSION**

**The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a)(1)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**A. City Manager Job Performance Review and Employment Agreement**

## **XI. ADJOURNMENT**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**\* Any items listed on the Council Docket may be subject to a vote.**

**\*If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**